

Listing of Claims:

1. (Currently Amended) A construction machine comprising:
a lower traveling structure;

a revolving superstructure frame mounted on the lower
traveling structure ~~through~~ via a swivel so as to be freely
5 turnable;

a work implement mounted on the revolving superstructure
frame, ~~being located at a~~ substantially at a cross-wise ~~mid~~
middle position of a front part of the revolving superstructure
frame;

10 a counterweight mounted on the revolving superstructure
frame, ~~being located at a~~ rear part of the revolving
superstructure frame; and

an operator's cab mounted on the revolving superstructure
frame, ~~being located at either the~~ at one of a right or side and
15 a left side of the front part of the revolving superstructure
frame,

wherein at least one of the revolving superstructure frame,
the work implement and the counterweight is provided with a
projecting member which projects outward; ~~and~~

20 wherein a virtual plane is defined by a first point, a
second point, and a third point of the construction machine;

wherein said first point is positioned at: (i) if the revolving superstructure frame is provided with one said projecting member, the projecting member provided at the revolving superstructure frame, or (ii) if the revolving superstructure frame is not provided with any said projecting member, an end of the revolving superstructure frame;

wherein said second point is positioned at: (i) if the work implement is provided with one said projecting member, the projecting member provided at the work implement, or (ii) if the work implement is not provided with any said projecting member, an end of the work implement;

wherein said third point is positioned at: (i) if the counterweight is provided with one said projecting member, the projecting member provided at the counterweight, or (ii) if the counterweight is not provided with any said projecting member, an end of the counterweight; and

~~wherein an operator's cab space is kept in an inner position of a vehicle positioned closer to a body of the construction machine than compared to a the virtual plane. , the virtual plane being defined by the projecting member disposed on at least one of the revolving superstructure frame, the work implement and the counterweight and positions where no projecting members are provided.~~

2. (Withdrawn - Currently Amended) The construction machine according to claim 1, wherein ~~the projecting member disposed on~~ the counterweight is provided with one said projecting member, which projects upward and is located on an upper part of the counterweight. ~~counter weight which upper part is opposed to the rear face of the operator's cab.~~

3. (Withdrawn - Currently Amended) ~~A~~ The construction machine according to claim 1, ~~comprising: a lower traveling structure; a revolving superstructure frame mounted on the lower traveling structure through a swivel so as to be freely turnable; a work implement mounted on the revolving superstructure frame, being located at a substantially cross-wise mid position of a front part of the revolving superstructure frame; a counterweight mounted on the revolving superstructure frame, being located at a rear part of the revolving superstructure frame; and an operator's cab mounted on the revolving superstructure frame, being located at either the right or left side of the front part of the revolving superstructure frame,~~ wherein ~~an~~ a front end of the revolving superstructure frame ~~which end is located on the a~~ same side of the revolving superstructure frame as the operator's cab ~~and~~ is provided with one said projecting member, which projects upward;

20 wherein an upper part of the counterweight ~~which upper part~~
~~is opposed to the rear face of the operator's cab are each~~ is
provided with ~~a~~ one said projecting member, which ~~that~~ projects
upward, and

25 wherein ~~a~~ the virtual plane does not intersect ~~a space of~~
the operator's cab in space anywhere, ~~the virtual plane being~~
~~defined by the projecting member disposed on the revolving~~
~~superstructure frame, the projecting member disposed on the~~
30 ~~counterweight and the work implement or a projecting member~~
~~attached to the work implement so as to project upward or towards~~
~~the side of the operator's cab.~~

4. (Withdrawn - Currently Amended) ~~A projecting member for~~
~~a~~ The construction machine according to claim 1, ~~which has a~~
~~lower traveling structure; a revolving superstructure frame~~
~~mounted on the lower traveling structure through a swivel so as~~
5 ~~to be freely turnable; a work implement mounted on the revolving~~
~~superstructure frame, being located at a substantially cross-wise~~
~~mid position of a front part of the revolving superstructure~~
~~frame; a counterweight mounted on the revolving superstructure~~
~~frame, being located at a rear part of the revolving~~
10 ~~superstructure frame; and an operator's cab disposed on the~~
~~revolving superstructure frame, being located at either the right~~
~~or left side of the front part of the revolving superstructure~~

15 ~~frame, said projecting member being attached to at least one of~~
~~the revolving superstructure frame, the work implement and the~~
~~counterweight such that a leading end of the projecting member~~
~~projects outward, an operator's cab space being kept in an inner~~
~~position of a vehicle body compared to a virtual plane, the~~
~~virtual plane being defined by said projecting member attached to~~
~~at least one of the revolving superstructure frame, the work~~
20 ~~implement and the counterweight and positions where no projecting~~
~~members are provided, and wherein each~~ said projecting member
~~attached to at least one of the revolving superstructure frame,~~
~~the work implement and the counterweight being made of comprises~~
~~one of~~ a welded structure, a cast part ~~or~~ and a forged part, and
25 ~~having~~ each said projecting member includes a base end portion
~~attached to at least any~~ one of the revolving superstructure
frame, the work implement and the counterweight.

5. (New) The construction machine according to claim 1,
wherein the work implement comprises a boomerang-shaped boom, and
one said projecting member is provided at a vertex of the
boomerang shape of the boom.

6. (New) The construction machine according to claim 1,
wherein the work implement comprises a boomerang-shaped boom, and

said end of the work implement is a vertex of the boomerang shape of the boom.

7. (New) A construction machine comprising:

a lower traveling structure;

a revolving superstructure frame mounted on the lower traveling structure via a swivel so as to be freely turnable;

5 a work implement, which comprises a boomerang-shaped boom, mounted on the revolving superstructure frame substantially at a cross-wise middle position of a front part of the revolving superstructure frame;

10 a counterweight mounted on the revolving superstructure frame at a rear part of the revolving superstructure frame; and

an operator's cab mounted on the revolving superstructure frame at one of a right side and a left side of the front part of the revolving superstructure frame,

15 a first projecting member which projects upward, and which is attached to a front face of the revolving superstructure frame at a same side of the revolving superstructure frame as the operator's cab;

a second projecting member which is provided at a vertex of the boomerang shape of the boom;

20 a third projecting member which is provided on an upper face
of the counterweight at a same side of the construction vehicle
as the operator's cab;

 wherein at a virtual plane is defined by three points, which
are provided at the first projecting member, the second
25 projecting member, and the third projecting member, respectively;
and

 wherein an operator's cab space is positioned closer to
a body of the construction machine than the virtual plane.